

**BEFORE THE ARIZONA BOARD OF  
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 2517
	)	
TONY F. SCALICI, D.O.	)	<b><u>AMENDED FINDINGS OF FACT,</u></b>
Holder of License No.1537 for the	)	<b>CONCLUSIONS OF LAW</b>
practice of osteopathic medicine in the	)	<b>AND ORDER OF REVOCATION</b>
State of Arizona.	)	
_____	)	

**INTRODUCTION**

After issuance by the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") of the Complaint and Notice of Hearing in this matter, the Board conducted an administrative hearing on October 16, 1999; and Tony F. Scalici, D.O. (hereafter "Respondent") did not personally appear but did file an answer to the Board's Complaint. Based upon the evidence presented at the hearing, the Board authorized the issuance of the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Tony F. Scalici, D.O. (hereinafter "Respondent") is a licensee of the Board and the holder of License No. 1537.
3. On June 19, 1999, Respondent agreed to voluntarily withdraw from the practice of medicine because he was not currently practicing medicine in any state or jurisdiction in the United

States. Respondent's license to practice medicine was revoked in the State of Michigan in December, 1993 on the basis of his felony conviction for using, delivering and/or distributing controlled substances for other than legitimate purposes in 1990.

4. On June 19, 1999, the Board held a public meeting at which Respondent was not present. After discussion and deliberation, the Board voted to hold a formal administrative hearing for consideration of the allegations of unprofessional conduct.

5. On October 16, 1999, the Board held a public meeting and a formal complaint hearing on this matter. Respondent was not present but had filed a Response to the Complaint.

Based on the evidence the following findings were made by the Board:

- (a) Respondent's Consent Order and Stipulation dated December 2, 190993 with the State of Michigan whereby Respondent agreed to the factual allegations in the Administrative Complaint filed march 28, 1991 and a revocation of his license to practice medicine in the State of Michigan.
- (b) The Consent Order and Stipulation (Exhibit 1) contained admissions by Respondent to felony convications and violations of Michigan's Public Health Code.

### CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq., the Board has subject matter and personal jurisdiction in this matter.

2. Pursuant to A.R.S. §§ 32-1855 and 32-1854(2), (6), (18), (19) the Board finds that Respondent has violated the following definitions of unprofessional conduct.

- (2) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case conviction by any court of competent jurisdiction is conclusive evidence of the commission.

(6) Engaging in the practice of medicine in a manner that harms or may harm a patient or that the Board determines falls below the community standard.

(18) The refusal, revocation or suspension of a license by any other state, territory, district or country, unless it can be shown that this occurred for reasons that did not relate to the person's ability to safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as provided in this section.

(19) Any conduct or practiced contrary to recognized standards of ethics of the osteopathic medical profession.

3. Based upon the Findings of Fact set forth above, the Board concludes that the requisite factual and legal basis exist to order suspension of Respondent's license.

#### **ORDER**

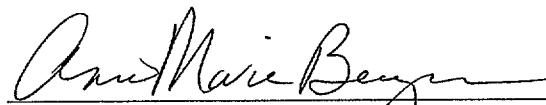
Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

Board License Number 1537 for the practice of osteopathic medicine and surgery in the State of Arizona, held by Tony F. Scalici, D.O., is **REVOKED**.

All parties are advised that they may file a Motion for Rehearing pursuant to A.R.S. § 41-1092.09 and A.A.C. R4-22-106. The filing of a Motion for Rehearing is a prerequisite of judicial review.

**ISSUED** the 4<sup>th</sup> day of November, 1999.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

  
\_\_\_\_\_  
Ann Marie Berger, Executive Director

Served by sending U.S. certified mail  
this 5<sup>th</sup> day of November, 1999 to:

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Copy mailed this 5<sup>th</sup> day of  
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